

**INITIAL STATEMENT OF REASONS**  
**MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES**  
**Title 15-Crime Prevention and Corrections**  
**Division 1, Chapter 1, Subchapter 4**

**1006. Definitions.** This regulation contains definitions of terms used throughout applicable Title 15 regulations. Proposed changes would add nine (9) definitions, delete two (2), and modify four (4) current definitions.

Proposed changes include the addition of the definition of “Clinical evaluation.” This definition clarifies who may perform such an assessment as referred to in Article 11, Medical/Mental Health Services. The changes will not affect operations and will add clarification to applicable regulations.

The definitions “Concept drawings”, “Design-bid-build”, “Design-build”, “Performance criteria”, “Preliminary drawings”, and “Working drawings” are added to be consistent with AB900 and SB 81 legislation, and ensuing regulations pertaining to these projects.

Proposed changes in the definition of “Corrections Standards Authority” replace the term “which” with “whose” to ensure correct grammar. There is no operational impact.

Proposed changes replace the term “primary duties” in the definition of “Custodial Personnel” with “duties include” to reflect actual practice and to ensure that individuals whose duties include supervision of inmates receive adequate training pursuant to training regulations contained herein. There is no operational impact; this change will help increase compliance with the regulation since persons with any duties that include supervising inmates, not just primary duties, must be trained in accordance with Title 15.

The term “Facility watch commander” was added since the term is used in specific Title 15 regulations, but is not currently defined. The definition is intended to mean the “officer in charge” or shift supervisor at a facility, and does not distinguish a specific rank. Local detention facilities are already using staff to fill the position of “facility watch commander,” and this proposed addition will not have operational impact.

Proposed changes include deleting the definition “Licensed health care personnel.” Since there are only a few regulations that refer to this term, and such personnel’s roles and qualifications are established in Section 1203, Health Care Staff Qualifications, such a definition is redundant and unnecessary. The proposed change will not have operational impact.

Proposed changes include deleting the definition of “Managerial custodial personnel” since the term is not used in the regulations. There is no operational impact.

Proposed changes include the addition of the definition “May.” Current regulations define the term “Shall,” and include the term “May” in the definition; providing a separate definition for “May” will provide clarity without having operational impact.

Proposed changes include modifying the definition of “safety checks” to specify that they are conducted at random intervals within timeframes prescribed in applicable regulations. This change replaces the requirement for “regular, intermittent and prescribed” safety checks. The replacement terminology is consistent with current practice and will clarify the intent of regulations that require safety checks within specific timeframes, but are conducted randomly. The current regulation may be interpreted to read that safety checks be conducted at regular, and not random intervals. There is no operational impact related to this change.

The term “detention” in the definition for “Secure detention” would be replaced with “custody” to align the term with current law enforcement vernacular. It is readily understood that custody occurs within a detention facility, where these regulations are applicable. The term “detention” however, may apply to situations outside of a detention facility, and regulations would not be applicable. There is no operational impact as a result of this proposed change.

**1007. Pilot Projects.** This regulation outlines the steps that an agency must take to implement a pilot project within a local detention facility.

Proposed changes replace the term “Board” with “Corrections Standards Authority Board” where applicable to reflect legislative changes made in 2005. There is no operational impact.

Proposed changes also add the term “staff” to ensure that CSA staff are responsible for notifying applicants; this reflects current practice. The CSA Board does not notify applicants.

**1008. Alternate Means of Compliance.** This regulation outlines the steps that an agency must take to implement an alternative means of compliance within a local detention facility.

Proposed changes replace the term “Board” with “Corrections Standards Authority Board” where applicable to reflect legislative changes made in 2005. There is no operational impact.

Proposed changes also add the term “staff” to ensure that CSA staff are responsible for notifying applicants; this reflects current practice. The CSA Board does not notify applicants.

**1012. Emergency Suspensions of Standards or Requirements.** This regulation outlines the requirements that an agency must meet when implementing an emergency suspension of standards.

Proposed changes do not impact the requirements of this regulation; the changes clarify the intent of the regulation and are non substantive.

**1013. Criminal History Information.** This regulation states that CSA staff has authority to review relevant criminal history information while conducting inspections in local detention facilities.

The proposed change would clean up grammar by replacing the term “the conduct of inspections” to “conducting facility inspections.” There is no operational impact.

**1024. Court Holding and Temporary Holding Facility Training.** This regulation outlines training requirements for custodial personnel in court and temporary holding facilities.

Proposed changes reflect actual practice; when Core training (170+ hours) is completed, staff do not complete an additional eight (8) hours of training prior to working in a court or temporary holding facility.

Proposed changes also reflect current practice where core trained staff who annually receive 24+ hours of training do not complete an additional 8 hours of training if they work in a court or temporary holding facility.

**1032. Fire Suppression Preplanning.** This regulation outlines requirements for providing fire and life safety in local detention facilities.

The current regulation requires that the facility’s fire suppression pre-plan is developed by the local fire department. In reality, the facility develops the plan in cooperation with the local fire department. The proposed changes reflect this practice.

Proposed changes also clarify language by rephrasing “manual of policy and procedures” to “policy and procedures manual.”

**1044. Incident Reports.** This regulation outlines the requirements for incident reports in local detention facilities.

Proposed changes add the requirement that policies and procedures outline steps for the reporting of incidents in addition to the maintenance of records. Each detention facility maintains individual reporting timelines, so this revision will align the regulation with current and best practices.

Proposed changes delete the requirement that a written record be submitted to the facility manager within 24 hours of the incident. This change is less restrictive, creates a performance based regulation, and allows agencies the discretion to determine the timeframe that is most practical for them. Agencies will be able to tailor their policy to their individual needs.

**1046. Death in Custody.** This regulation outlines the requirements of local detention facilities if an inmate, adult or youth, dies while in custody.

Proposed changes will not have operational impact; new language reflects legislative change in 2005, when the Board of Corrections was renamed Corrections Standards Authority.

Proposed changes also eliminate the redundant reference to the “Board” in Section B (1).

**1051. Communicable Diseases.** This regulation requires the facility manager to develop policy and procedures for dealing with communicable diseases within the facility and outlines criteria for plans when dealing with suspected communicable diseases.

Proposed changes delete the requirement that all inmates with suspected communicable disease are separated, and instead require the facility administrator to specify what symptoms of communicable disease would require inmate segregation at any point in housing. This change would provide all staff with objective symptoms that would prompt segregation until a medical evaluation can be completed. The requirement for an intake screening remains intact. This change reflects current practice and will require little operational change; most facility administrators and health administrators already describe in policy what symptoms of communicable disease will require segregation.

**1055. Use of Safety Cell.** This regulation outlines the requirements for policy and procedure when an inmate is placed in a safety cell.

Proposed changes do not impact operations; joining the two sentences ensures that continued retention in the safety cell is reviewed with the approval of the facility manager, watch commander or physician and clearly ties the placement and retention review together.

**1056. Use of Sobering Cell.** The current regulation outlines the policy and procedure requirements for placing an inmate in a sobering cell.

The proposed change would ensure that safety checks are documented, consistent with industry practice. The current regulation has no provision that safety checks are documented; this is best practice.

**1058. Use of Restraint Devices.** This regulation outlines policy and procedure required when an inmate is placed in restraints for behavioral reasons.

The proposed changes correct grammar and also join two sentences related to the approval of placement in restraints and review of retention in restraints. There is no operational impact as the persons performing these actions are already defined in policy and procedure.

**1059. DNA Collection, Use of Force.** This regulation outlines the steps that must be taken during a forced sampling of DNA in a local detention facility.

The proposed change replaces the term “supervising officer” with “facility watch commander.” The term “supervising officer” is the term used in statute regarding these requirements, but is not

defined in Title 15. The term “facility watch commander” is a more appropriate term for this regulation and its use will not impose operational change.

**1062. Visiting.** This regulation outlines requirements for visitation in local detention facilities.

Proposed changes replace the term “visitation” with “visiting” to clean up grammar. There is no operational impact.

**1063. Correspondence.** This regulation outlines policy and procedure requirements for inmate correspondence.

The proposed change would not impact operation; the change would replace the term “mail” with “correspondence” in (b), to accommodate the increased use of alternative correspondence, such as e-mail.

**1069. Inmate Orientation.** The current regulation outlines policy and procedure requirements for inmate orientation at the time of housing placement.

Proposed changes would add a requirement that inmate voting, including registration, be part of inmate orientation.

**1072. Religious Observances.** The current regulation outlines the policy and procedure requirements for religious observances in local detention facilities.

Proposed changes would add the term “practices” to the regulation to ensure that additional religious requirements, such as clothing, diet and other accessories may be included. This regulation will remain broad enough to ensure that individual agencies may be consistent with evolving RLUIPA requirements.

Changes will not affect current facility operations, as they are beholden to federal law and evolving case law regarding religion.

**1080. Rules and Disciplinary Penalties.** This regulation outlines the requirements for rules and disciplinary penalties to be conveyed to inmates in writing or verbally.

The proposed change cleans up grammar and has no operational impact.

**1081. Plan for Inmate Discipline.** This regulation outlines the elements that a facility’s disciplinary policy and procedures must include.

Proposed changes replace the term “removing” with “segregating” to ensure clarity in the regulation; inmates may be segregated as part of a disciplinary action, not “removed.” The term “segregating” is more appropriate.

**1083. Limitations on Disciplinary Actions.** This regulation outlines limitations on disciplinary actions in local detention facilities.

Proposed changes include updating the phrase “cruel OR unusual” to “cruel AND unusual” punishment to comport with the federal and state constitutional prohibition on cruel AND unusual punishment. There is no operational impact because of this language change.

Proposed changes also include the requirement that reviews of inmates on disciplinary isolation be documented. The current regulation does not include this requirement, although it is both common and best practice. Adding this requirement in regulation should not impose much, if any, operational impact.

**1084. Disciplinary Records.** This regulation requires that records of all disciplinary action is documented.

Proposed changes do not require operational change; grammatical errors are corrected.

**1100. Purpose.** This regulation outlines the purpose of this section of Title 15, which is applicable to Type II and III facilities that hold minors.

Proposed changes correct grammatical errors and update references to the Board, replacing it with “Corrections Standards Authority.” There is no operational impact.

**1104. Supervision of Minors.** This regulation outlines the requirements for supervision of minors that are held in adult jails.

Proposed changes do not make any operational changes. Changes clarify language to ensure that safety checks are completed at least once in every 30 minute period. The phrase “on an irregular schedule” is deleted because changes to the definition of safety checks will require that they continue to be conducted randomly.

**1125. Psychotropic Medications for Minors in Jail.** This regulation outlines the requirements for the management of psychotropic medications for minors in jail.

Proposed changes eliminate the requirement that verbal orders must be signed by a physician within 72 hours and instead create a performance based regulation; agencies will be required to determine their own limitation on the timeframe for a physician to sign written orders. This is consistent with requirements in Section 1216, Pharmaceutical Management, Section 1217, Psychotropic Medication and community standards.

**1140. Purpose.** This regulation establishes the purpose of Article 9, Minors in Temporary Custody in a Law Enforcement Facility, and describes where it is applicable.

Proposed changes replace the term “detention” with “custody” throughout Article 9 and will not have operational impact. Changing the term will align the regulation with relevant terminology for police officers dealing with youth under arrest.

**1141. Minors Arrested for Law Violations.** This regulation describes the requirements for minors who are held in secure or non-secure custody within a law enforcement facility.

Proposed changes replace the term “detention” with “custody” throughout Article 9 and will not have operational impact. Changing the term will align the regulation with relevant terminology for police officers dealing with youth under arrest.

**1143. Care of Minors in Temporary Custody.** This regulation requires facilities to provide certain articles and services to minors who are held in a law enforcement facility.

Proposed changes would delete the separate requirement for minors in locked rooms to be provided with blankets and clothing, and require that all minors, in secure and nonsecure custody, be provided with these articles if necessary.

Operational impact will be minimal; minors in nonsecure custody are generally able to retain their own clothing. Facilities that currently hold minors in nonsecure custody but that do not provide blankets may be required to do so if the proposed changes are accepted.

**1144. Contact Between Minors and Adult Prisoners.** This regulation outlines separation requirements for minors and adult inmates in law enforcement facilities.

Proposed language deletes the term “detained” to be consistent with definitional changes proposed. There is no operational impact because the regulation is already clear that is relative to minors “confined” in the facility. The term “detained” is redundant.

**1145. Decision on Secure ~~Detention~~Custody.** This regulation outlines the criteria for minors that may be held in secure custody.

Proposed changes replace the term “detention” with “custody” throughout Article 9 and will not have operational impact. Changing the term will align the regulation with relevant terminology for police officers dealing with youth under arrest.

**1146. Conditions of Secure ~~Detention~~Custody.** The current regulation outlines the conditions that create a secure custody situation.

Proposed changes replace the term “detention” with “custody” throughout Article 9 and will not have operational impact. Changing the term will align the regulation with relevant terminology for police officers dealing with youth under arrest.

**1147. Supervision of Minors in Secure Custody ~~Held-Inside a Locked Enclosure.~~** The current regulation outlines the requirements for supervision of minors in secure custody. Proposed changes replace the term “detention” with “custody” throughout Article 9 and will not have operational impact. Changing the term will align the regulation with relevant terminology for police officers dealing with youth under arrest.

Proposed changes delete the term “unscheduled,” since the proposed definition of safety checks will require that such checks are conducted randomly and are not scheduled.

Proposed changes also replace the term “no less than every” with “at least once every” to clarify that safety checks are to be completed at least once in every 30 minute timeframe.

These changes will not require operational change, since they are clarifying current requirements.

**1148. Supervision of Minors in Secure ~~Detention-Custody~~ Outside of a Locked Enclosure.**

This regulation outlines the requirements for supervision of minors held in secure custody outside of a locked enclosure. Proposed changes replace the term “detention” with “custody” throughout Article 9 and will not have operational impact. Changing the term will align the regulation with relevant terminology for police officers dealing with youth under arrest.

Proposed changes replace the term “be present at all times” with “provide constant direct visual observation” to strengthen the intent of the regulation and use consistent regulatory language.

**1149. Criteria for Non-Secure Custody.** This regulation outlines the criteria for nonsecure custody. Proposed changes replace the term “detention” with “custody” throughout Article 9 and will not have operational impact. Changing the term will align the regulation with relevant terminology for police officers dealing with youth under arrest.

Proposed changes delete the language “if a brief period of time is needed,” as it is unnecessary. State statute (Welfare and Institutions Code Section 207.1(d)2) limits any detention of a minor to six (6) hours. This change will not impact operations, as agencies are already beholden to the six (6) hour limit in statute.

**1151. Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody ~~Intoxicated and Substance Abusing Minors in a Lockup~~.** This regulation outlines the requirements for minors that are under the influence while they are in custody in a law enforcement facility. Proposed changes clarify expectations of custodial staff, but will not impact the current operation of law enforcement facilities that hold minors.

The title of the regulation has been changed from Intoxicated and Substance Abusing Minors in a Lockup to Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody to reflect actual circumstances in temporary custody. Staff in such facilities is not dealing with long term substance abusing minors under their care; they are involved in the short term care of a minor who is currently under the influence. This change reflects actual practice and does not affect current operations.

Proposed changes replace the term “intoxicated by any substance” to “being under the influence of drugs, alcohol or any other intoxicating substance,” reflecting actual practice, clarifying the intent of the regulation, and eliminating any confusion. A person may be under the influence of



a substance, but not actually be intoxicated. This change does not impose operational impact. The term intoxication is replaced with drug or alcohol influence throughout the regulation.

Proposed changes replace the term secure “detention” with secure “custody in a locked room” to reflect changes made throughout the regulations, and this change is made throughout the regulation. The term “in a locked room” was added to ensure that staff is aware of the distinction; secure detention may also occur OUTSIDE of a locked room; such supervision is already defined as constant in these situations elsewhere in regulation. These changes reflect current practice and clarify requirements; there is no operational impact.

Proposed changes modify the requirements for safety checks of minors under the influence in secure custody from “no less than once every 15 minutes” to “at least once every 15 minutes. This change strengthens the intent of the regulation, which would ensure that no more than 15 minutes pass between safety checks. This change reflects current operation and does not impose operational impact.

The current regulation does not address minors under the influence who are in secure custody OUTSIDE of a locked enclosure. Adding the language, “Supervision of minors in secure custody outside of a locked room who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance shall be supervised in accordance with Section 1148” ensures that such minors will continue to receive constant direct personal supervision, as required in regulation. This change does not affect operations.

**1203. Health Care Staff Qualifications.** This regulation describes the qualifications for health care personnel working in a local detention facility. This regulation is relative to all regulations that refer to health care personnel.

Proposed changes clarify that the community standard is met and that health care personnel are working within the recognized scope of practice specific to their profession. This clarification will ensure that health care personnel that are referred to in other regulations are all held to the same standard.

**1205. Medical/Mental Health Records.** This regulation describes the requirements for health care records in local detention facilities.

Subsection (a) has been amended to add “in compliance with state statute to” and delete “which shall.” This amendment will not affect facility operations.

**1206. Health Care Procedures Manual.** This regulation outlines the minimum required components for the Health Care Procedures Manual.

The current regulation requires a formal review, with updates as necessary, at least annually. This proposed amendment changes that review period to every two years. This time period is

consistent with the requirement to review the facility operations manual (Title 15, Section 1029) every two years, and should not impact operations.

**1208. Access to Treatment.** This regulation describes the requirement that there be a written plan to address any medical, mental health or developmental disability issue for inmates at any time during their incarceration subsequent to the receiving screening.

Proposed changes delete the requirement that evaluations for treatment be performed by licensed health personnel and separate the requirement for a written plan for assessment and treatment.

Proposed language will allow for any personnel to identify and refer inmates who require access to treatment and require that assessment and treatment be performed by licensed health personnel or non-licensed persons operating within their authority.

Proposed changes will clarify community standards and common practices in local detention facilities health care services.

**1217. Psychotropic Medications.** This regulation outlines the requirements for the administration of psychotropic medications.

The second paragraph was amended to delete “in written form in the inmate’s record.” The term “written form” is redundant. Proposed changes also delete language that qualifies that a clinical evaluation could be conducted either in person or by telephone.

Proposed changes also delete the sentence requiring that verbal orders shall be entered in the inmate’s record and signed by the physician within 72 hours. Currently, Title 15, Section 1216 requires policy and procedure to specify the limitation on the length of time that verbal orders are entered into the inmate’s record.

Removal of the 72 hour signature requirement recognizes the regulatory mandates incorporated into treatment protocols used by registered nurses and physician assistants. This language change is also intended to provide the latitude for counties to use telemedicine technology rather than an “in person” clinical evaluation. Telemedicine regulations address medical records signature requirements.

**1241. Minimum Diet.** This regulation describes the requirements for the minimum diet for inmates in local detention facilities. In the first paragraph, changing the date in the title of the Dietary Reference Intakes of the Food and Nutrition Board, Institute of Medicine of the National Academies, the California Daily Food Guide and the Dietary Guidelines for Americans was done to reflect current standards. There is no operational impact as a result of this change.

The following sentence was added to the first paragraph “A daily or weekly average of the food group’s requirement is acceptable.” This was added to reflect statewide practice to provide

average daily or weekly nutritional requirements. This change provides latitude to menu planners while adhering to the intent of the regulation.

Subsection (a) was amended to reflect the number of grams of protein needed per day.

The last sentence in subsection (b) “One serving can be from a calcium fortified food containing at least 250 mg. of calcium.” was moved from the end of the section to clarify the requisite three servings. The use of the term “calcium” was deleted because it is redundant.

With the above changes, the last sentence of this subsection “For persons 15-17 years of age, or pregnant and lactating women, the requirement is four servings” has been amended to add “of milk or milk products” to ensure that this population receives actual milk or milk products, not fortified products. If the facility is already providing four servings of milk or milk products, there is no operational impact. Those facilities not providing four servings of milk or milk product to persons 15-17 years and pregnant and lactating women will need to revise their menus to do so.

Subsections (c)(1), (2) and (3) and (c)(2) were amended to add “per day, or seven (7) servings per week.” These additions reflect the number of servings needed per day or per week.

#### TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The CSA did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

#### REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the CSA.

#### REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The CSA has not identified any alternatives that would lessen any adverse impact on small businesses.

#### EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS.

The CSA has determined that, the proposed regulations would not have a significant statewide adverse economic impact directly on businesses.